

Application No. 09/989,202
Response Dated August 22, 2005
Reply to Office Action of August 10, 2005

REMARKS/ARGUMENTS:

The claims remain rejected under 35 USC § 103(a) over the Capra et al article "Web Content: Remote Access to Shared Context", ACM 2001, pp. 1-9 in further view of US 2002/0038475 to Alpdemir. The rejection is traversed.

Page 1 of the Capra et al article "Web Content: Remote Access to Shared Context" clearly indicates a copyright notice with an "ACM" number followed by 11-14-2001. Contrary to the Office Action, such does not clearly show publication on 11-14-2001, but rather that ACM placed a date of 11-14-2001 when the document was ready to be published later. The web site submissions clearly show the publication date of 11-16-2001, i.e., when it was disseminated to the public at a conference run by ACM. The Examiner has failed to account for why any organization, such as ACM, would publish papers one day prior to a conference it was sponsoring. Such is not the customary practice and makes no sense for an organization to go through the trouble to do.

The Examiner may check with ACM to determine ACM's policy in connection with placing such a date on documents and will find that no publication actually occurs of papers prior to the conference held during which they are presented. The undersigned contacted ACM and the result of the email exchange (See Exhibit B annexed to the accompanying Declaration) signifies that the ACM article was not published before the conference.

The accompanying Declaration also includes an earlier draft of the patent application that antedates the 11/14/2001 date as well, thereby disqualifying the ACM article from being prior art.

Withdrawal of the rejection is warranted and requested.


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CORRESPONDENCE AND FEES:

In the event that there are fees necessitated by this response, authorization is hereby given to charge Deposit Account No. 03-3839. Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Should there be any questions or other matters that may be resolved by a telephone call, the Examiner is invited to contact the applicants' undersigned attorney at the number below. Any communications should be sent directly to him at the number below.

Respectfully submitted,

Gibbons, Del Deo, Dolan, Griffinger &
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